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The situation in Bosnia and Herzegovina

Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Canada, Croatia, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kuwait, Malaysia, Netherlands, Norway, Pakistan, Portugal, Romania, Singapore, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolutions 46/242 of 25 August 1992, 47/1 of 22 September 1992, 47/121 of 18 December 1992, 48/88 of 20 December 1993, 49/10 of 3 November 1994, 51/203 of 17 December 1996, 52/150 of 15 December 1997, 53/35 of 30 November 1998, 54/119 of 16 December 1999 and all relevant resolutions of the Security Council regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders,

Also reaffirming its support for the equality of the three constituent peoples and others in Bosnia and Herzegovina as a united country, with two multi-ethnic entities,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), signed in Paris on 14 December 1995,[1]

Also welcoming the accomplishments achieved in implementation of the Peace Agreement, including the stabilization of the security situation, major reconstruction, the acceleration of the return of refugees and internally displaced persons, including to minority areas, the establishment of the Brcko District and the strengthening of political pluralism,

[1] A/50/790-S/1995/999; see *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995*, document S/1995/999.

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Further welcoming the efforts for the respect, promotion and protection of human rights and the strengthening of the rule of law in all of Bosnia and Herzegovina and for the development of the common institutions that will ensure that Bosnia and Herzegovina functions as an integrated modern State, accountable to its citizens,

Supporting those institutions and organizations of Bosnia and Herzegovina that are engaged in the implementation of the Peace Agreement and the process of reconciliation and reintegration, and noting, however, the slow progress in the development of efficient common institutions of Bosnia and Herzegovina,

Concerned by the continuing obstructions faced by refugees and displaced persons wishing to return to their pre-war homes, in particular in areas where they would be an ethnic minority, emphasizing the need for an unreserved commitment by all political authorities, including at the entity and local levels, and emphasizing the need for all parties and the relevant States and international organizations to create the conditions necessary to facilitate a secure and dignified return, particularly in urban areas such as Sarajevo, Banja Luka and Mostar, and stressing the need for a regional approach to the issue of refugees and displaced persons,

Supporting fully the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, stressing the importance and urgency of the work of the Tribunal as an element of the process of reconciliation and as a factor contributing to the maintenance of international peace and security in Bosnia and Herzegovina and in the region as a whole, demanding that States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolutions 827 (1993) of 25 May 1993, 1022 (1995) of 22 November 1995 and 1207 (1998) of 17 November 1998, including with respect to surrendering persons sought by the Tribunal, and welcoming the efforts to secure compliance with the orders of the Tribunal, consistent with the Security Council mandate,

Noting improved cooperation between the International Tribunal and the States and entities in the region, as stated in the seventh annual report of the Tribunal,[2] also noting that a number of individuals named in public indictments still remain at large, calling upon all the States and entities in the region to improve and to comply fully with their obligations, and welcoming the efforts of the High Representative and the Commander of the Stabilization Force in implementing the provisions of the Peace Agreement,

Welcoming the mutual recognition among all the successor States of the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations among those States, including the unconditional establishment of diplomatic relations, in accordance with the Peace Agreement, and the settlement of all issues relating to the succession of the former Yugoslavia on the basis of the legal equality of all five successor States, in order to contribute to the achievement of lasting peace and stability in the area,

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[2] A/55/273-S/2000/777; see *Official Records of the Security Council, Fifty-fifth Year, Supplement for July, August and September 2000*, document S/2000/777.

Noting the significant improvement of relations between Bosnia and Herzegovina and the Republic of Croatia following the elections held in Croatia in January 2000,

Welcoming the important political change following the recent elections in the Federal Republic of Yugoslavia, and noting the significance of this change for the region as a whole,

Also welcoming the successful summit meeting of heads of State and Government to launch the Stability Pact for South-Eastern Europe in Sarajevo on 29 and 30 July 1999, and stressing that the Stability Pact offers a broad regional framework for further progress in Bosnia and Herzegovina,

Noting that democratization in the region will enhance the prospects for a lasting peace and help to guarantee full respect for human rights in Bosnia and Herzegovina and in the region,

Stressing the importance of full respect for human rights and fundamental freedoms for the success of the peace efforts for the region, and calling upon the Governments and authorities in the region, as well as the relevant international organizations, to facilitate such full respect,

Concerned about the plight of thousands of families of missing persons in Bosnia and Herzegovina, and supporting fully the efforts of the International Commission on Missing Persons to resolve the fate of the missing,

Reaffirming the importance of the early adoption of a permanent electoral law, consistent, inter alia, with the ruling of the Constitutional Court on the equality of the three constituent peoples throughout the territory of Bosnia and Herzegovina, calling upon the Parliamentary Assembly elected in November to adopt this law expeditiously, noting that such adoption is a prerequisite of membership of the Council of Europe, and reaffirming the importance of genuine democratic representation of all three constituent peoples in all common institutions,

Stressing the importance of faster integration of the countries of the region into the political and economic mainstream of Europe, on the basis of individual merits and achievements, also stressing in particular the positive impact that the early admission to the Council of Europe could have on Bosnia and Herzegovina and the region in search of sustainable economic and political stability and noting the importance of Bosnia and Herzegovina establishing its place in Euro-Atlantic institutions,

Noting the positive impact of five pledging conferences, held on 21 December 1995, 13 and 14 April 1996, 25 July 1997, 8 and 9 May 1998 and 30 May 1999 and chaired by the World Bank and the European Union, on the peace process and reintegration of the country as well as the reconstruction effort, stressing the importance and urgency of providing the financial assistance and technical cooperation pledged for reconstruction efforts, and stressing the role of economic revitalization in the process of reconciliation, in the improvement of living conditions and in the maintenance of a durable peace in Bosnia and Herzegovina and in the region,

Stressing that the provision of reconstruction aid and financial assistance is conditional upon the parties meeting their obligations under the Peace Agreement,

Recognizing the importance of demining for the normalization of life and for the return of refugees and internally displaced persons,

Welcoming the achievements and encouraging further efforts at reducing the military assets in line with the Agreement on Subregional Arms Control,

Noting with appreciation that Bosnia and Herzegovina is beginning to participate in the peacekeeping operations of the United Nations,

Welcoming the important efforts of the European Union to promote reform and stability through its stabilization and association process, and recognizing the work of the European Union and other donors in providing humanitarian and economic assistance for reconstruction,

1. *Expresses its full support* for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[1] which constitutes the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina, leading to stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

2. *Reaffirms its support* for the New York Declaration, adopted on 15 November 1999,[3] in which the Joint Presidency of Bosnia and Herzegovina agreed to important steps for moving forward the process of fully implementing the Peace Agreement, notes that the progress of its implementation has been slow, and urges the parties to take the additional steps necessary to comply with all of its aspects;

3. *Notes* the progress that has been made towards the implementation of the Peace Agreement, and reiterates its demands for the full, comprehensive and consistent implementation thereof;

4. *Supports fully* the efforts of the High Representative for the implementation of the peace process in Bosnia and Herzegovina, in accordance with the Peace Agreement and subsequent Peace Implementation Council declarations, and calls upon all parties to cooperate fully and in good faith with him;

5. *Stresses* the importance for the peace process in Bosnia and Herzegovina and the region as a whole of the activities related to the Stability Pact for South-Eastern Europe launched in Sarajevo, and urges the authorities of Bosnia and Herzegovina to take concrete steps to play an active role in it;

6. *Welcomes* the Zagreb Summit to be held on 24 November 2000;

7. *Notes* the progress achieved with the concept of "ownership" as presented by the High Representative, also notes the continuing need for the High Representative to use fully the authority of his office to deal with obstructionists, and stresses the need for the political leaders to assume more responsibility in the process of the implementation of the Peace Agreement;

8. *Recognizes* that the role of the international community remains essential, welcomes the readiness of the international community to continue its efforts towards a self-sustaining peace, and recalls that the responsibility for

[3] S/1999/1179, annex; see *Official Records of the Security Council, Fifty-fourth Year, Supplement for October, November and December 1999*.

consolidating peace and security primarily lies with the authorities of Bosnia and Herzegovina;

9. *Welcomes* the ruling of the Constitutional Court of Bosnia and Herzegovina on the equality of all three constituent peoples throughout the territory of Bosnia and Herzegovina, urges the entity parliaments and cantonal assemblies to implement it accordingly, and also urges the Constitutional Court to rule further on the status of those other than the three constituent peoples;

10. *Welcomes* the vital contribution of the multinational Stabilization Force in providing a secure environment for the implementation of civilian aspects of the Peace Agreement, calls for the fullest cooperation by all parties in this regard, expresses its full support for the efforts of the United Nations International Police Task Force in carrying out its mandate, and commends its efforts in establishment of the rule of law in Bosnia and Herzegovina;

11. *Underlines* the fact that the assistance provided by the international community remains strictly conditional upon compliance with the Peace Agreement and subsequent obligations, including in particular cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and facilitation of the return of refugees and displaced persons;

12. *Insists upon* the need to surrender all indictees to the International Tribunal for trial, notes that the Tribunal has the authority to address individual responsibility for the perpetration of the crime of genocide, crimes against humanity and other serious violations of international humanitarian law in Bosnia and Herzegovina, and *demands* that all the parties fulfil their obligations to hand over to the Tribunal all indicted persons in territories under their control, and otherwise to comply fully with the orders of the Tribunal and to cooperate with the work of the Tribunal, including with exhumations and other investigative acts, in accordance with article 29 of the statute of the Tribunal, with all relevant Security Council resolutions and in accordance with the relevant provisions of the Peace Agreement, in particular the Constitution of Bosnia and Herzegovina;

13. *Welcomes* the support given by Member States so far, and urges Member States, taking into account the orders and requests of the International Tribunal, to offer the Tribunal their full support, including financial support, in order to ensure the completion of the purpose of the Tribunal, and to carry out their obligations under the statute of the Tribunal and all relevant Security Council resolutions;

14. *Reaffirms once again* the right of refugees and displaced persons to return voluntarily to their homes of origin in secure and dignified conditions in accordance with the Peace Agreement, in particular annex 7 thereof, and the realization of the same in cooperation with the Office of the United Nations High Commissioner for Refugees and host countries, calls upon all parties to improve substantially their cooperation with the international community at the State, entity and local levels, in order to establish immediately the conditions necessary for the return of refugees and displaced persons to their homes and for the freedom of movement and communication of all the citizens of Bosnia and Herzegovina, encourages the relevant international organizations to enhance the conditions to facilitate both spontaneous and organized return, in accordance with relevant

provisions of the Peace Agreement, in particular the Constitution of Bosnia and Herzegovina, and welcomes continued and new efforts by the United Nations agencies, the European Union, bilateral and other donors and intergovernmental and non-governmental organizations to establish and implement projects designed to facilitate the accelerated voluntary and orderly return of refugees and displaced persons to all regions of Bosnia and Herzegovina, including projects that would help to create a safe and secure environment with increased economic opportunity;

15. *Encourages* the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including in areas where they would be the ethnic minority, strongly condemns all acts of intimidation, violence and killings, including those acts designed to discourage the voluntary return of refugees and displaced persons, and demands that such acts be investigated and prosecuted;

16. *Welcomes* the report of the Panel on United Nations Peace Operations,[4] and notes the recommendations stemming from and relevant to the report of the Secretary-General pursuant to General Assembly resolution 53/35: the fall of Srebrenica;[5]

17. *Reaffirms* the previous conclusions of the Peace Implementation Council on the importance of reform of the media in Bosnia and Herzegovina, reiterates its support for the decision of the High Representative of 30 July 1999 on restructuring of the public broadcasting system in Bosnia and Herzegovina, notes that its implementation remains behind schedule, and calls upon the authorities of Bosnia and Herzegovina to implement that decision in full;

18. *Stresses* the importance of establishing, strengthening and expanding throughout all of Bosnia and Herzegovina free and pluralistic media, deplores any action that seeks to intimidate or restrict the freedom of the media, and condemns violent acts of intimidation against journalists;

19. *Reaffirms once again its support* for the principle that all statements and commitments made under duress, particularly those regarding land and property, are wholly null and void, in accordance with the relevant provisions of the Peace Agreement, and in that regard, supports the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, and calls upon all sides to implement the property laws imposed on 27 October 1999, in particular by evicting illegal occupants from the homes of returning refugees, and to ensure respect for individual rights to return and the establishment of the rule of law;

20. *Emphasizes* the importance of economic revitalization and reconstruction for the successful consolidation of the peace process in Bosnia and Herzegovina, recognizes the important contribution of the international community in this regard, and invites it to continue its efforts;

21. *Notes* that corruption and the lack of transparency seriously hamper the economic development of Bosnia and Herzegovina, emphasizes the importance of combating corruption, welcomes the important contribution made in this regard by the Customs and Fiscal Assistance Office, and expresses its full support for the

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[4] A/55/305-S/2000/809; see *Official Records of the Security Council, Fifty-fifth Year, Supplement for July, August and September 2000*, document S/2000/809.

[5] A/54/549.

efforts of the Government of Bosnia and Herzegovina and its local bodies and of others that are supportive in this regard;

22. *Supports* the efforts by the High Representative and the Commander of the multinational Stabilization Force, in accordance with the Peace Agreement and subsequent Peace Implementation Council Declarations, to weaken the continued political and economic influence of remaining parallel nationalist structures obstructing the peace implementation;

23. *Stresses* the need for a more comprehensive approach to implementing economic reforms, and underlines that a self-sustainable, market-oriented economy operating in a single economic space, expeditious and transparent privatization, improved banking and capital markets, reformed financial systems, the provision of adequate social protection and the adoption by both entities of a law on pension reforms that meet sound economic standards, are crucial for achieving lasting peace and stability in Bosnia and Herzegovina;

24. *Welcomes* the proclamation of the Brcko District and the appointment of an interim government and District Assembly, expresses its support for implementation of the Final Arbitration Award in accordance with the Peace Agreement, and stresses that the obligation to cooperate fully with the Supervisor for Brcko is an essential obligation for both of the entities;

25. *Welcomes* the Mostar document adopted on 12 July 2000 by the representatives of the city of Mostar and its six city municipalities under the auspices of the European Union, and calls for its implementation;

26. *Notes* that the pledged reduction of 15 per cent in the military assets of each entity was achieved in 1999, urges the authorities of Bosnia and Herzegovina to fulfil their commitment to a further 15 per cent reduction in 2000 in the areas of military budgets, personnel, equipment and structure, and encourages the Bosnia and Herzegovina authorities to redefine their defence policies with particular reference to ensuring that the size and structure of the military is affordable, that it is consistent with the legitimate security needs of Bosnia and Herzegovina and contributes to regional security;

27. *Stresses* the need for timely information about the level of cooperation and compliance with the International Tribunal and its orders, the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina and the status and implementation of the Agreement on Subregional Arms Control;

28. *Welcomes* the establishment of the Missing Persons Institute on 15 August 2000 in Sarajevo by the International Commission on Missing Persons, and supports the programmes put in place to resolve the continuing problem of missing persons within five to seven years;

29. *Welcomes* the efforts of the international regional organizations, Member States and non-governmental organizations, including through the Board of Donors, and the Slovenian International Trust Fund for Demining and Mine Victims Assistance in Bosnia and Herzegovina, and invites Member States to continue to support the mine action activities in Bosnia and Herzegovina;

30. *Commends* the efforts of the international community, including the Council of Europe, the European Union, the European Community Monitoring

Mission, the European Bank for Reconstruction and Development, the International Committee of the Red Cross, the International Monetary Fund, the multinational Stabilization Force, non-governmental organizations, the Organization of the Islamic Conference, the Islamic Development Bank, the Islamic Chamber of Commerce and Industry, the Organization for Security and Cooperation in Europe, the Peace Implementation Council and the World Bank, in their roles in the implementation of the Peace Agreement;

31. *Commends*, in particular, the efforts of the International Tribunal, the Office of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, the Office of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina, the United Nations Development Programme and the other United Nations agencies in the peace process, and encourages their further engagement in the peace process in Bosnia and Herzegovina;

32. *Decides* to include in the provisional agenda at its fifty-sixth session the item entitled "The situation in Bosnia and Herzegovina".